IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18205 of 1996

Between:

S.Vengal Rao, S/o. Venkanna,
R/o Official Colony, Visakhapatnam.

..... PETITIONER

AND

The Land Acquisition Officer and Revenue

Divisional Officer, Kakinada, East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more especially one in the nature of Writ of Mandamus declaring the inaction of the Respondent in paying the compensation for the acquired lands in R.S.No.396/5A,397/2B & 398/1 of an extent of Ac.1-50,Ac.0-25 cents and Ac.1-25 cents respectively situated in Kuyyeru Village, Kakinada Mandal, East Godavari District, as wholly illegal and arbitrary and consequently, direct the Respondent herein to pay compensation for the above lands in terms of Degree in O.P.No.284/87 on the file of the Principal Subordinate Judge, Kakinada.

Counsel for the Petitioner: MR.P.SRIRAGHURAM

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not paying the compensation for the acquired lands bearing R.S.Nos.396/5A, 397/2B and 398/1 admeasuring Ac.1.50 cents, Ac.0-25 cents and Ac.1-25 cents respectively situated in Kuyyeru Village, Kakinada Mandal, East Godavari District, as illegal and arbitrary.

It is the case of the petitioner that in view of the rival claims with regard to title over the land in question, the matter was referred to the Civil Court under Section-31 (2) of the Land Acquisition Act, 1894 and the same was numbered as O.P.No.284 of 1987 on the file of the Principal Subordinate Judge, Kakinada. In spite of the fact that the said O.P. was finally decided declaring the petitioner as the lawful owner, and had also fixed the compensation, the respondents are not paying the same. Hence, the present writ petition.

In the counter-affidavit filed on behalf of the respondents, it is stated that compensation has been deposited in the Court of the Principal Senior Civil Judge, Kakinada, in O.P.No.284 of 1987.

Therefore, in view of the statement made by the respondents in their counter-affidavit, the writ petition is disposed of permitting the petitioner to claim the compensation as per the decree in the said O.P., where the amount is alleged to have been deposited, by filing appropriate application for payment of the compensation amount. If any further balance amount is payable, it is open for the petitioner to file an execution petition before the Court below claiming the same.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____ (R.SUBHASH REDDY, J)

08.02.2005

DR

To

1 The Land Acquisition Officer and Revenue

Divisional Officer, Kakinada, East Godavari District.

2 2 CCs to Government Pleader for Land Acquistion,

High Court Buildings, Hyderabad. (OUT)

3 2 CD copies